

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VELMA T. POE,

Plaintiff,

vs.

DEBORAH WILLIAMS POE,

Defendant.

8:19CV355

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff Velma T. Poe's Motion for Leave to Proceed In Forma Pauperis ("IFP"). ([Filing No. 2.](#)) While Plaintiff utilized the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit"), Plaintiff's motion does not comply with the terms of [28 U.S.C. § 1915](#), the statute authorizing proceedings in forma pauperis. *See* [28 U.S.C. § 1915\(a\)\(1\)](#) (requiring the plaintiff to submit "an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor"). For gross pay and take-home pay, Plaintiff does not list dollar amounts but merely refers to [31 U.S.C. § 3123](#)¹ and lists "military retirement" and something the court cannot decipher. ([Filing No. 2 at CM/ECF p. 1.](#))

Accordingly, the court determines that Plaintiff's present motion to proceed IFP is insufficient and is, therefore, denied. Plaintiff has the choice of either submitting the \$400.00 filing and administrative fees to the clerk's office or submitting a request to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#). Failure to take either action within 30 days will result in the court dismissing this case without further notice to Plaintiff.

¹ Section 3123 sets forth the Secretary of Treasury's duty to pay the public debt of the United States Government and, thus, has no bearing on the statement of Plaintiff's assets or any debts or obligations Plaintiff may owe. [31 U.S.C. § 3123](#).

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed IFP ([filing no. 2](#)) is denied without prejudice to reassertion in a motion to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#).

2. Plaintiff is directed to submit the \$400.00 fees to the clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

3. The clerk of the court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").

4. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: **September 23, 2019**: Check for MIFP or payment.

Dated this 23rd day of August, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge